

Application Serial No.: 10/763,884  
Amendment and Response to September 1, 2006 Final Office Action

### **REMARKS**

Claims 1 – 15, 17, and 18 are in the application. Claims 1, 17, and 18 are currently amended; claims 2 – 14 remain unchanged from the original versions thereof; and claims 15 and 16 have been canceled. Claims 1, 17 and 18 are the independent claims herein.

No new matter has been added as a result of the amendments submitted herewith.

Reconsideration and further examination of the application are respectfully requested.

#### **Claim Rejections – 35 USC § 112**

Claims 1, 17, and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, and 18 have each been amended to address and overcome the rejections thereof under 35 USC 112, 2<sup>nd</sup> paragraph. In particular, claims 1, 17, and 18 have each been amended to recite “said first voicemail message” instead of the previous -- said voicemail message -- . Accordingly, there is sufficient antecedent basis for the claimed aspects of claims 1, 17, and 18.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 17, and 18 under 35 USC 112, 2<sup>nd</sup> paragraph.

#### **Claim Rejections – 35 USC § 103**

Claims 1, 4 - 6, 10 – 15, and 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adamczyk, U.S. Publication No. 2004/0151284 in view of Bijl et al., U.S. Patent No. 6,173,259 B1 (hereinafter, Bijl). This rejection is respectfully traversed.

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The pending claims relate to a method (claim 1), article of manufacture (claim 17), and apparatus (claim 18) for providing a voicemail message to a recipient of the voicemail message including, receiving a first voice mail message, the first voice mail message being associated with a recipient of the voicemail message, converting the first voice mail message to a first instant message, determining an instant message address associated with the recipient, and sending the first instant message and the first voice mail message to the address of the recipient. Thus, it is clear that the claimed recipient is a "recipient of the voicemail message", the instant message address is associated with the recipient of the voicemail message, and the instant message and the voice mail message are sent to the address of the recipient of the voicemail message. Thus, it is clear that a voicemail message and a recipient of that voicemail message are claimed and the recited "recipient" refers to the recipient of the voicemail message.

The Office Action cites and relies upon Adamczyk for disclosing all aspects of claims 1, 15, and 17 except for sending the first instant message and the first voicemail message to the "address". The Office Action further cites and relies upon Bijl for allegedly disclosing sending the first instant message and the first voicemail message to the "address". However, Applicant respectfully submits that the combination of Adamczyk and Bijl fails to disclose or suggest (at least) the claimed sending the first instant message and the first voice mail message to the address of the recipient.

In contrast to the claims, Bijl discloses a dictation system that captures speech for the explicit purpose of converting the captured speech to a text file/document. Contrary to Applicant's Specification and Adamczyk, Bijl is not directed to a voicemail system but instead is directed to a dictation system. Accordingly, the dictation system does not reference, disclose or suggest a voicemail message being associated with a recipient of the voicemail message. Applicant further notes that Bijl does not at any point therein refer to the captured speech as a voicemail that has a recipient associated with the voicemail.

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The captured speech of Bijl is not a voicemail. A voicemail message has at least one recipient associated with the voicemail message to whom the voicemail message is to be delivered. The Bijl captured speech is not sent to a recipient or used in a manner like voicemail but instead is captured for the explicit purpose of being converted to a text file/document as part of a dictation system.

Applicant reiterates that Bijl further discloses converting the captured speech to text by a speech recognition device (18) and transferring the converted text to an error correction unit (20). Electronic mail is used to send text data resulting from the conversion and the captured speech data to the correction unit. (See Bijl, col. 2, ln. 25 – 29) The correction unit outputs corrected text only. (See Bijl, FIG. 3 and col. 11, ln. 55 – 60)

Contrary to Applicant's claims, Bijl discloses sending a text message and the captured speech (which is not a voicemail message associated with a recipient of the voicemail message) to a correction unit, not an address of a recipient of a voicemail. The email address disclosed in Bijl is not the same as or suggestive of the claimed address of the recipient of a voicemail. Bijl specifically sends the text and speech data to a correction unit, not an address of a recipient of a voicemail. The correction unit is not a recipient of the voicemail message but instead in a processing unit of the voicemail message. In some embodiments, such as those depicted in FIG. 6, the captured and converted text may be emailed to a typist. However, the disclosed typist is not a recipient associated with a voicemail message. In some embodiments, such as those depicted in FIG. 8, a transcript may be emailed to a client. However, the disclosed client is not a recipient associated with a voicemail message.

It is clear that Bijl does not disclose a recipient of a voicemail message that is the same as or suggestive of the recipient claimed by Applicant. Accordingly, Bijl fails to disclose an "address" of the recipient that is the same as or suggestive of the address of the recipient claimed by Applicant.

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Furthermore, combining the disclosures of Adamczyk and Bijl as done in the Office Action appears to be contradictory and not compatible with the plain teachings of the references. For instance, Adamczyk explicitly discloses a user having the option of leaving a conventional voice mail message or to transmit an instant message to another subscriber. (See Adamczyk, paragraph [0066], ln. 13 15) Thus, Adamczyk appears to teach away from a method, system, apparatus, or the modification of Adamczyk that would provide sending both the voicemail and an instant message to a recipient. That is, one skilled in the art would not be motivated to modify Adamczyk with the disclosure of Bijl as alleged by the Office Action since Adamczyk specifically teaches not sending both the voicemail message and text message.

It is clear that Bijl does not disclose that for which it is cited and relied upon for disclosing (i.e., sending the first instant message and the first voice mail message to the address of the recipient). Furthermore, the insufficiencies of Bijl are not corrected by Adamczyk (Office Action admits Adamczyk fails to disclose sending the first instant message and the first voice mail message to the address of the recipient). Accordingly, the asserted combination of Adamczyk and Bijl fails to disclose (at least) the claimed sending of the first instant message and the first voice mail message to the address of the recipient of the voicemail.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 17, and 18 under 35 USC 103(a). Claims 4 – 6 and 10 – 14 depend from claim 1. For at least the same reasons provided hereinabove for the patentability of claim 1, Applicant respectfully submits that claims 4 – 6 and 10 – 14 are also patentable over Adamczyk and Bijl under 35 USC 103(a), and requests the reconsideration and withdrawal of the rejection thereto.

Claims 2 and 3 were rejected as being unpatentable over Adamczyk in view of Bijl as applied to claim(s) 1 above, and further in view of Hanson, et al., U.S. Patent No. 6,697,474 B1 (hereinafter, Hanson). This rejection is traversed.

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Inasmuch as Bijl fails to disclose, or even suggest, that for which it is cited and relied upon, the combination of Adamczyk and Bijl with the asserted Hanson is insufficient to support the rejection of claims 2 and 3 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 USC 103(a).

Claims 7 and 8 were rejected as being unpatentable over Adamczyk in view of Bijl as applied to claim(s) 1 above, and further in view of Agraharam et al., U.S. Patent No. 6,654,448 B1 (hereinafter, Agraharam). This rejection is traversed.

Again, Bijl fails to disclose or even suggest that for which it is cited and relied upon for disclosing. The combination of Adamczyk and Bijl with the asserted Agraharam is insufficient to support the rejection of claims 7 and 8 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 7 and 8 under 35 USC 103(a).

Claim 9 was rejected as being unpatentable over Adamczyk in view of Bijl as applied to claim(s) 1 above, and further in view of Groner, U.S. Patent No. 6,507,643 B1 (hereinafter, Groner). This rejection is traversed.

Applicant reiterates that Bijl fails to disclose or even suggest that for which it is cited and relied upon for disclosing. The combination of Adamczyk and Bijl with the asserted Groner is insufficient to support the rejection of claim 9 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 9 under 35 USC 103(a).


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### CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone (650) 694-5339.

Respectfully submitted,

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